

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

John Lige,

Plaintiff

v.

Clark County, a political subdivision of the State of  
Nevada, et al,

Defendants

2:16-cv-00603-JAD-PAL

**Order Denying Motions and  
Vacating Hearing**

[#17, 18]

Defendant Service Employees international Union, Local 1107 moved to dismiss this action on May 2, 2016,<sup>1</sup> and defendant Clark County joined in those motions to dismiss.<sup>2</sup> Three weeks later, plaintiff filed an amended complaint.<sup>3</sup> In plaintiff's opposition to the motion to dismiss, he argues only that the filing of the amended complaint mooted the motions to dismiss;<sup>4</sup> the time to reply has passed, and defendants filed none.

Rule 15(a)(1)(B) of the Federal Rules of Civil Procedure permits parties to amend their complaints once as a matter of course within 21 days of a motion to dismiss.<sup>5</sup> Plaintiff's amended complaint was timely filed as of right. Once filed, an amended pleading supersedes the original pleading in its entirety, mooting a motion to dismiss the original pleading.<sup>6</sup>

Because the filing of plaintiff's amended complaint has mooted the pending motions to

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<sup>1</sup> ECF No. 17, 18.

<sup>2</sup> ECF No. 22, 23.

<sup>3</sup> ECF No. 26.

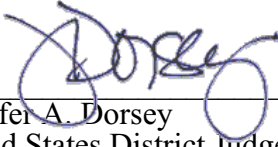
<sup>4</sup> ECF No. 28.

<sup>5</sup> Fed. R. Civ. P. 15(a)(1)(B).

<sup>6</sup> See *Forsyth v. Humana, Inc.*, 114 F.3d 1467, 1474 (9th Cir. 1997) (overruled on other grounds in *Lacey v. Maricopa County*, 693 F.3d 896, 928 (9th Cir. 2012)).

1 dismiss, IT IS HEREBY ORDERED THAT the defendants' motions to dismiss [Doc. 17, 18] are  
2 **DENIED** as moot and without prejudice. **The June 14, 2016, hearing on those motions [ECF No.**  
3 **20] is VACATED.**

4 Dated this 9th day of June, 2016.

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7 Jennifer A. Dorsey  
8 United States District Judge  
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